

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Susana Aqueche,

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Plaintiff

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vs.

Case No. 1:24-cv-01395-JMC

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SVAP II Pasadena Crossroads, LLC., et al.,

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Defendants

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**MEMORANDUM OPINION AND ORDER ON
DEFENDANT’S MOTION TO STRIKE
EXPERT DESIGNATION (ECF No. 40)**

The Court has before it Defendant’s Motion to Strike Expert Designation of Richard Balgowan, one of Plaintiff’s designated experts. (ECF No. 40). The Court has also reviewed Plaintiff’s Opposition. (ECF No. 41). The Court finds that no hearing is necessary. See Loc. R. 105.6 (D. Md. 2023). As set forth more fully below, the Court will deny Defendant’s Motion to Strike but extend Defendant’s designation deadline.

A version of this issue was previously before the Court when Plaintiff did not produce a compliant expert disclosure by the Court’s previous deadline and sought an extension. (ECF No. 34). Plaintiff had sought a 30-day extension, although on September 16, 2024, the Court granted a slightly shorter extension to October 7, 2024. Although Plaintiff met the deadline as to two of its experts, and made a partial designation of Mr. Balgowan, Plaintiff did not yet have Mr. Balgowan’s report as required. (ECF No. 41). Plaintiff was able to produce that report two days later on October 9, 2024. *Id.*

The Court observes that the current motions practice likely could have been avoided had Plaintiff alerted Defendant that the report would be delayed by two days. In any event, the only potential prejudice from the two-day delay is that Defendant has two fewer days to finalize its experts' reports. Accordingly, the Court will extend Defendant's deadline to October 30, 2024, and, if necessary, will entertain a slightly longer extension if Defendant so requires.

Accordingly, Defendant's Motion to Strike (ECF 40) is denied, but Defendant's expert designation is extended to October 30, 2024, without prejudice to Defendant seeking a slightly longer extension as necessary. Plaintiff's rebuttal deadline is extended to November 6, 2024. The Rule 26(e)(2) supplementation deadline is extended to November 13, 2024. The overall discovery deadline and status report deadline is extended to December 12, 2024, and the request for admission deadline is January 4, 2025. Finally, the dispositive motions deadline is now January 21, 2025. If there are further adjustments to the schedule that are necessary, the parties should confer with each other and present a joint motion to the Court.

10/25/2024
Date



J. Mark Coulson
United States Magistrate Judge

